

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee H. Angros

Serial No.: 10/805,777

Filed: 03/22/2004

For: ANALYTIC PLATE WITH
CONTAINMENT BORDER
AND METHOD



) Atty. Dkt.: 233.032

) Art Unit: 1743

) Examiner: Lyle Alexander

Honorable Assist.
Commissioner For Patents
Washington, D. C. 20231

DECLARATION OF LEE ANGROS UNDER 37 C.F.R. § 1.132

1. I am the inventor and applicant of the present invention and present patent application.
2. I have reviewed the official action mailed April 21, 2006 for the patent application and in particular have reviewed the Yanus et al., and Badesha et al., references cited in the rejections therein.
3. Both Yanus et al., and Badesha et al. are cited in the rejections because of the Bird-type applicators which are utilized therein. Bird-type applicators are utilized to apply thin wet films or layers of materials to various surfaces.
4. As shown in Attachments 1-4 which comprise information obtained from various manufactures of Bird-type applicators, Bird-type applicators are constructed from metals such as stainless steel (with or without a nickel chrome finish) or aluminum. Bird-type applicators are designed to be "precision" devices which apply films having

uniform thickness of as low as 12.5 μm (half of the smallest gap size of 25 μm ; see Attachment 4).

5. As is clearly indicated by the descriptions of Bird-type applicators given in Attachments 1-4, the Bird-type applicator is a tool which is "machined to a fine tolerance" (see Attachment 1). These tools would be useless for their intended purpose (to apply a uniform layer) if they were constructed of a material which could not maintain "precision" and "a fine tolerance" over repeated usage.

6. It is also obvious that a person of ordinary skill in the art of manufacturing Bird-type applicators would not manufacture one from a material which (1) could not provide a film layer of uniform thickness and (2) could not withstand repeated uses without being subjected to damage, such as nicks. In fact, it is apparent that if the applicator end ("gap end") of the Bird-applicator was made with an "absorbent material" as claimed in my application, it would very likely be eventually damaged (e.g., nicked, torn, ripped, worn) and moreover would not apply a uniform thickness as is sought by users of Bird-type applicators.

7. In conclusion, the evidence provided in Attachments 1-4 demonstrate that a person of ordinary skill in the art would not construct a Bird-type applicator to have an applicator end constructed with an absorbent material.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

statements may jeopardize the validity of the application or any patent issuing therefrom.

Oct 11, 2006
Date



Lee Angros